

2008 No. 3109

**SOCIAL SECURITY, ENGLAND AND WALES AND
NORTHERN IRELAND**

**The Health in Pregnancy Grant (Administration) Regulations
2008**

<i>Made</i>	- - - -	<i>9th December 2008</i>
<i>Laid before Parliament</i>		<i>10th December 2008</i>
<i>Coming into force</i>	- -	<i>1st January 2009</i>

The Commissioners for Her Majesty's Revenue and Customs, in exercise of the powers conferred by sections 5, 12A(1) and (5), 189 and 191 of the Social Security Administration Act 1992(a), sections 5, 10A(1) and (5), 165 and 167 of the Social Security Administration (Northern Ireland) Act 1992(b) and sections 132(2) and 135(2) of the Health and Social Care Act 2008(c), make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health in Pregnancy Grant (Administration) Regulations 2008 and shall come into force on 1st January 2009.

(2) In these Regulations—

“appropriate office” means Comben House, Farriers Way, Netherton, Merseyside or any other office specified by the Commissioners;

“the Commissioners” means the Commissioners for Her Majesty's Revenue and Customs;

“couple” means—

- (a) a man and woman who are married to each other;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners;

“partner” means one of a couple;

(a) 1992 c. 5; section 5 was amended, and section 12A was inserted, by section 132 (1) and (3) of the Health and Social Care Act 2008 (c.14). Section 189 was amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Section 191 is cited because it gives the meaning of “prescribed”.

(b) 1992 c. 8; section 5 was amended, and section 10A was inserted, by section 135 (1) and (3) of the Health and Social Care Act 2008. Section 165 was amended by the Social Security Contributions (Transfer of Functions, etc.) Order 1999 (S.I. 1999/671). Section 167 is cited because it gives the meaning of “prescribed”.

(c) 2008 c.14)

“health professional” has the meaning in the Health in Pregnancy Grant (Entitlement and Amount) Regulations 2008(a);

“SSAA” means the Social Security Administration Act 1992.

Claims in writing

2.—(1) A claim for health in pregnancy grant must be—

- (a) in writing;
- (b) made to the Commissioners;
- (c) on a form prescribed by the Commissioners;
- (d) completed in accordance with the instructions on the form; and
- (e) delivered or sent to an appropriate office.

(2) The claim must include a certificate signed by a health professional in relation to the claimant’s pregnancy.

(3) The certificate must include—

- (a) the name and date of birth of the claimant;
- (b) confirmation that advice has been given to the claimant on matters relating to her maternal health;
- (c) the date on which the certificate is signed; and
- (d) the name and personal identity number of the Nursing and Midwifery Council, or the General Medical Council reference number, of the health professional.

Time within which claims must be made

3. A claim for health in pregnancy grant must be made within 31 days of the date of the certificate signed by the health professional.

Evidence and information

4.—(1) A person making a claim for health in pregnancy grant must furnish such certificates, documents, information and evidence in connection with the claim, or any question arising out of it, as may be required by the Commissioners.

(2) A person required under paragraph (1) to furnish certificates, documents, information and evidence must do so—

- (a) within one month of being required by the Commissioners to do so; or
- (b) within such longer period as the Commissioners may consider reasonable.

Cases where no national insurance number is required

5. Section 12A (2) of SSAA (requirement to provide national insurance number) shall not apply to women who are under the age of 16 at the time they make a claim.

Withdrawing claims

6.—(1) A person who has made a claim may withdraw it by giving notice in writing to the Commissioners.

(2) A notice of withdrawal given in accordance with paragraph (1) has effect when it is received by an appropriate office.

(a) S.I. 2008/3108

Defective claims

7.—(1) If an appropriate office receives a defective claim, the Commissioners may refer it back to the person who made it.

(2) “Defective claim” means an intended claim which—

- (a) is made on an approved form which has not been completed in accordance with the instructions on it;
- (b) is in writing but is not made on the approved form;
- (c) is illegible; or
- (d) is incomprehensible.

Persons to whom grant is to be paid

8. Health in pregnancy grant shall be paid to the person entitled to the grant.

Manner of payment

9.—(1) Subject to paragraph (2), health in pregnancy grant shall be paid by way of a credit to a bank account or other account—

- (a) in the name of the person to whom payment is to be made; or
- (b) in the joint names of the person to whom payment is to be made and that person’s partner; or
- (c) in the name of a person or body acting on behalf of the claimant under regulation 12 or 13;

such account to be notified to the Commissioners by the person to whom payment is made.

(2) Where the person to whom payment is to be made does not have a bank account or other account, payment shall be made by an instrument of payment.

(3) Instruments of payment which have been issued by the Commissioners remain their property.

Time of payment

10. Health in pregnancy grant shall be paid in one payment, as soon as reasonably practicable after the award has been made.

Extinguishment of right to payment from an instrument of payment

11. The right to health in pregnancy grant shall be extinguished if an instrument of payment has not been presented for payment within 12 months of the date on which it was issued by the Commissioners.

Persons or bodies who may act on behalf of claimants unable to act

12.—(1) A person or body may act on behalf of a claimant for health in pregnancy grant if the claimant, (“C”), is for the time being unable to act.

(2) Anything required by these regulations to be done by or to C may be done by or to—

- (a) in England and Wales, a receiver appointed by the Court of Protection with power to claim, or, as the case may be, receive, the grant on behalf of C;
- (b) in Scotland, a guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000(a) who is administering the estate of C;

(a) 2000 asp 4.

- (c) in Northern Ireland, a controller appointed by the High Court, with power to claim, or, as the case may be, receive, the grant on behalf of C;
 - (d) (where no person has been appointed as mentioned in subparagraphs (a) to (c)) a person or body acting on behalf of C where that person or body—
 - (i) is, if a natural person, over the age of 18 years
 - (ii) has applied to the Commissioners in writing to act on behalf of C.
- (3) A person or body under (d)—
- (i) will be permitted to act subject to the discretion of the Commissioners;
 - (ii) must give one month's notice in writing to the Commissioners prior to ceasing to act on behalf of C.
- (4) Where health in pregnancy grant is paid to a person or body mentioned in paragraph (2), either of the following is a sufficient discharge to the Commissioners for the sum paid—
- (a) a credit to a bank or other account in the name of the person or body; or
 - (b) the receipt by the person or body of an instrument of payment.

Persons who may receive payment which a person who has died had not obtained

13.—(1) This regulation applies where a person who has died had not obtained at the date of her death health in pregnancy grant to which she was entitled.

(2) The Commissioners may, unless the right to payment had already been extinguished at the date of death, pay the grant to persons over the age of 16 years who are the personal representatives of the person who has died, provided written application for payment of the grant is made to the Commissioners within 12 months from the date of death.

(3) The Commissioners may dispense with strict proof of the title of a person claiming as a personal representative.

*Bernadette Kenny
Dave Hartnett*

9th December 2008

Two of the Commissioners of Her Majesty's Revenue and Customs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to the administration of health in pregnancy grant and supplement the administration provisions in Part 4 of the Health and Social Care Act 2008 (c. 14). They make provision in relation to England and Wales and Northern Ireland. By virtue of section 132(1) of the Health and Social Care Act 2008 the Commissioners for Her Majesty's Revenue and Customs ('the Commissioners') are responsible for the payment and administration of health in pregnancy grant.

Regulation 1 provides for health in pregnancy grant to be claimed on or after 1 January 2009 for the purpose of enabling awards to be made to women giving birth on or after 6 April 2009.

Regulation 2 prescribes the manner in which the grant must be claimed and the information which must be included in the claim.

Regulation 3 requires the claim to be made within 31 days of the date of the certificate signed by the health professional.

Regulation 4 provides for information to be provided by the claimant to the Commissioners in connection with her claim.

Regulation 5 dispenses with the need for a national insurance number where the claimant is too young to have been allocated one.

Regulation 6 permits a claimant to withdraw her claim.

Regulation 7 enables the Commissioners to refer back to the claimant a claim which has not been made in the prescribed manner.

Regulation 8 provides for the grant to be paid to the person entitled to it.

Regulation 9 provides for the grant to be paid into a bank account or by an instrument of payment if the recipient has no bank account.

Regulation 10 provides for the grant to be paid in a single payment as soon as reasonably practicable after the award has been made.

Regulation 11 provides that the right to the grant will be extinguished if the instrument conferring payment is not presented for payment within 12 months of the date of issue.

Regulation 12 provides for the grant to be claimed by, or paid to, certain persons or bodies, where a claimant is unable to act.

Regulation 13 provides for the grant to be paid to the personal representatives of an eligible claimant who has died.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.